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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,159	10/20/2003	Kevin L. Kimle	P03566USD1	6394
24271 7590 12/09/2010 JOHN ALEXANDER GALBREATH 2516 CHESTNUT WOODS CT REISTERSTOWN, MD 21136				
EXAMINER				
TRAN, HAI				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
12/09/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/689,159

Applicant(s)

KIMLE ET AL.

Examiner

HAI TRAN

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 3, 2010 has been entered.

Status of the Claims

2. This communication is in response to Applicant's amendment filed on December 3, 2010 for application, titled: "Method for Electronically Initiating and Managing Agricultural Production Contracts".

3. Claims 1, 13, 25, 26, and 29 have been amended. Claim 24 has been cancelled. Accordingly, claims 1-23 and 25-29 remain pending in the application and have been examined.

Response to Arguments

4. The Examiner has carefully reviewed Applicant's amendment/remarks and would like to clarify that the Examiner believed the Manual and Walker references disclosed Applicant's claims is because the claims recited "a contract" which is different than a "future contract" as recited in the parent case 09/335,648 because a contract is very

broad and can include a future contract, forward contract, conditional purchase order, etc. The Examiner has carefully explained the difference this in the last office action, pages 3-5, in paragraphs 7-15 (mailed on 04/06/2010).

5. The Examiner is happy to see that the Attorney has amended the claims to make them more specific to the invention and which will make them allowable. However, Applicant amended claims 1, 13, 25, 26 and 29 with the phrase of "future contracting" which makes the claims appear to be an invention for "future contract", not "forward contract" as described in Applicant's specification (see paragraphs 5 and 79). Applicant has an option to amend the claims to recite a "forward contract" or explain to the Office that the phrase of "future contracting" is the same as the "forward contracting". The Examiner is aware that the parent case 09/335,648 recites the phrase of "future contracting".

6. Also, Examiner suggests that Applicant amends the step of "generating a contract" in claims 1, 25, and 29 to "generating a forward contract" which is more specific to Applicant's invention.

Potential Allowable Subject Matter

7. Claims 1-23 and 25-29 would be allowable if rewritten or amended to resolve the problem in above.

8. Applicant is welcome to contact the Examiner to discuss the possibility to resolve the problem in above and/or advance the prosecution of the application. The Examiner

usually can be reached Monday thru Friday from 10 AM to 4 PM; however, will be out of the office from 12/11/10 to 01/09/11.

Conclusion

9. Claims 1-23 and 25-29 are rejected.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI TRAN whose telephone number is (571)272-7364. The examiner can normally be reached on M-F, 9-4 PM.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/

Application/Control Number: 10/689,159
Art Unit: 3694

Page 5

Primary Examiner, Art Unit 3694

/H. T./
Examiner, Art Unit 3694